

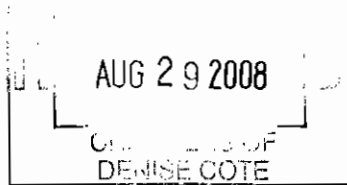
ARNOLD & PORTER LLP

Louis S. Ederer
Louis.Ederer@aporter.com

212.715.1102
212.715.1399 Fax

399 Park Avenue
New York, NY 10022-4690

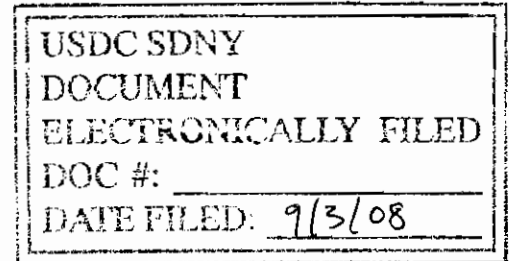
MEMO ENDORSED



August 28, 2008

Via Hand Delivery

The Hon. Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1040
New York, New York 10007



Re: Oscar de la Renta, Ltd. v. Elizabeth Arden, Inc., d/b/a "EA Fragrances Co." and YSL Beauté, Inc. 08 CIV 5785 (DLC)

Dear Judge Cote:

We represent intervenor-defendant-counterclaim-plaintiff YSL Beauté, Inc. ("YSL Beauté") in the above-referenced action. We are writing, following discussion with all counsel, and at the suggestion of Your Honor's Courtroom Deputy, Gloria Rojas, in light of the upcoming pretrial conference scheduled for September 19, 2008 (the "September 19 Conference"), to seek clarification on two related issues.

As you are aware, on July 21, 2008, YSL Beauté filed a Motion to Intervene and to Stay Pending Arbitration. This motion has been fully briefed since August 11, 2008, and Your Honor now has a complete set of courtesy copies. On August 14, 2008, Your Honor granted YSL Beauté's Motion to Intervene, but reserved decision as to the stay portion. Both YSL Beauté and plaintiff Oscar de la Renta, Ltd. ("ODLR") have requested oral argument on this portion of the motion.

On August 11, 2008, defendant Elizabeth Arden, Inc. ("EA") filed a Rule 12 Motion to Dismiss. YSL Beauté joined in EA's Motion to Dismiss on August 26, 2008. On August 21, 2008, Your Honor granted an extension of time for ODLR to respond to the Motion to Dismiss (to August 29, 2008). Reply papers are now due by September 15, 2008.

In light of these pending motions, and in anticipation of the September 19 Conference, we seek clarification on the following issues:

1. Whether the Motion to Stay and/or the Motion to Dismiss will be argued or otherwise addressed at the September 19 Conference. If so, then lead counsel for EA, based in Ohio, will want to be present and prepared to address the motions.

9/3/08

Principal trial counsel must attend the conference. The parties shall be prepared to discuss the motions. The parties should attempt to agree on a schedule in the event the motions are denied. Denise Cote

ARNOLD & PORTER LLP

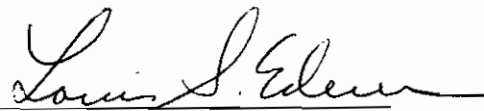
The Hon. Denise L. Cote
August 28, 2008
Page 2

2. On August 27, 2008, the parties conducted a preliminary conference under Federal Rule 26(f). During that conference, the question was raised whether, particularly in light of the pending, potentially dispositive motions, the Court will require a Rule 26(f) report in advance of the September 19 Conference (and, indeed, whether a general scheduling conference would be held at all). Accordingly, we seek to clarify whether the Court expects a Rule 26(f) Report prior to the conference, or, if the Court intends to deal with the motions at the conference, whether a discovery plan will be addressed then, or thereafter, if necessary.

We respectfully request that the Court provide the parties with clarification on these issues. We thank the Court for its consideration.

Respectfully,

ARNOLD & PORTER LLP

By: 
Louis S. Ederer

cc: Peter M. Brody, Esq. (*via Email*)
Joseph Dreitler, Esq. (*via Email*)
David Donahue, Esq. (*via Email*)
William Sussman, Esq. (*via Email*)
Mary True, Esq. (*via Email*)